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# ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

## Assistance to Guatemala in the field of human rights

## Report by the Independent Expert, Mrs. Mónica Pinto, on the situation of human rights in Guatemala, submitted in accordance with Commission resolution 1996/59 and Economic and Social Council decision 1996/270

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## INTRODUCTION

1. The Commission on Human Rights has been considering the situation of human rights in Guatemala since its thirty-fifth session, in 1979. In 1983, the Chairman of the Commission appointed Viscount Colville of Culross (United Kingdom) as Special Rapporteur, with a mandate to make a detailed study of the human rights situation in Guatemala. In 1986, the Commission changed his designation to that of Special Representative, with a mandate to receive and evaluate the information received from the Government about the implementation of the new legislation intended to protect human rights. In 1987, the mandate of the Special Representative was terminated and the Commission requested the Secretary-General to appoint an expert to assist the Government in adopting the necessary measures for the subsequent restoration of human rights. Mr. Hector Gros Espiell (Uruguay), was appointed for that purpose, until his resignation in 1990. In the same year, the Commission requested the Secretary-General to appoint an independent expert as his representative to examine the human rights situation and to continue assistance to the Government in the field of human rights. Mr. Christian Tomuschat (Germany) was appointed in 1990 and served in that capacity until 7 June 1993. On 28 October 1993, the Secretary-General appointed Mrs. Monica Pinto (Argentina), whose mandate was extended by Economic and Social Council decisions 1994/257, 1995/268 and 1996/270, as requested by the Commission on Human Rights in resolutions 1994/58, 1995/51 and 1996/59.

2. In fulfilment of her current mandate, the Expert made her fourth visit to the Republic of Guatemala from 13 to 27 November 1996, and completed her trip with consultations at United Nations Headquarters, at the United Nations Office at Geneva and in Mexico City. Her programme of work is outlined in the annex to this report. The Expert consulted all accessible and reliable sources in order to acquaint herself with the development of the human rights situations in Guatemala. In doing so, she was afforded extensive cooperation by the Government. In addition to consulting documentation received from other human rights bodies, the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), intergovernmental organizations and non-governmental organizations, she freely interviewed a large number of persons and representatives of Guatemalan human rights, social, trade-union, economic and indigenous organizations.

3. The information compiled was analysed in the light of the international human rights instruments which are binding in Guatemala: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the Slavery Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; the Convention and Protocol relating to the Status of Refugees; and a large number of International Labour Organization conventions, including

Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, 1948; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively, 1949; and Convention No. 111 concerning Discrimination in respect of Employment and Occupation, 1958. Guatemala is also a party to the four Geneva Conventions on international humanitarian law of 1949 and the two Additional Protocols of 1977; the American Convention on Human Rights (having recognized the jurisdiction of the Inter-American Court of Human Rights on 20 February 1987); the Inter-American Convention to Prevent and Punish Torture; and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. The above-mentioned instruments take precedence over Guatemalan internal law under article 46 of the 1985 Constitution (as amended in 1994).

4. The mandate entrusted to the expert consists in: (a) reporting to the Commission on the human rights situation in Guatemala, submitting for the purpose information which has been duly verified, thus enabling her to draw conclusions and recommendations; and (b) assisting the Government in the field of human rights, making specific recommendations to it. This report refers essentially to events which took place in 1996.

5. The expert attended the ceremony of the signing of the Agreement on a Firm and Lasting Peace, in Guatemala City, on 29 December 1996.

## I. THE AGENDA FOR 1996

6. In 1996, a number of genuinely innovative decisions were taken nationally along with a few forceful political measures, all of which opened the way for the signing of the Agreement on a Firm and Lasting Peace and at the same time provided a foundation for a pluralist and democratic society which would respect human rights and embrace all Guatemalans.

7. These decisions, i.e. the commitments made by the Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) in the agreements which emerged from the peace negotiations, constitute the written expression of Guatemala's current situation. It may be recalled here that the previous Government, with the United Nations as moderator, concluded the Framework Agreement for the Resumption of the Negotiating Process between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca on 10 January 1994, the Comprehensive Agreement on Human Rights on 29 March 1994, the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict on 17 June 1994, the Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer on 23 June 1994 and the Agreement on Identity and Rights of Indigenous Peoples on 31 March 1995. Since the Government of President Alvaro Arzú Irigoyen came to power on 14 January 1996, these commitments have been supplemented by the Agreement on Social and Economic Aspects and the Agrarian Situation of 6 May 1996, and the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society of 19 September 1996. Subsequently, the agreement on the defensive cease-fire was signed in Oslo on 4 December 1996, the agreement on constitutional reforms and the electoral regime was signed in Stockholm on 7 December and the agreement on the basis for the integration of URNG into the

political life of the country was signed in Madrid on 12 December 1996. The Agreement on a Firm and Lasting Peace was signed in Guatemala City on 29 December 1996. After 36 years of internal armed conflict, which had had many different forms and degrees of intensity, the people of Guatemala then regained their legitimate right to work towards the reconstruction of their country.

8. The various agreements which came into force along with the Agreement on a Firm and Lasting Peace request verification by the Secretary-General of the United Nations. The Comprehensive Agreement on Human Rights, however, specifies that both its entry into force and its verification should be immediate. Accordingly, the General Assembly, in its resolution 48/267 of 19 September 1994, set up the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), which came into being on 21 November 1994; its mandate was subsequently extended to 31 December 1996 by General Assembly resolution 50/220. Following the signing of the Agreement on Identity and Rights of Indigenous Peoples, MINUGUA was asked to monitor the human rights aspects of the Agreement which were deemed to require immediate implementation. Its task is described in the five reports submitted to the Secretary-General (A/49/856 and Corr.1, A/49/929, A/50/482, A/50/878 and A/50/1006).

9. The Agreements contain not only such provisions as the parties considered to be necessary for ending the legal situation of domestic armed conflict and remedying its effects, but also a much longer set of provisions which set out a State plan which encapsulates many of the recommendations contained in the reports submitted to the Commission on Human Rights, and in particular several relating to the structural changes needed to ensure the effective exercise of human rights.

10. In the Agreement on Social and Economic Aspects and the Agrarian Situation, the Government promised to introduce the necessary legal and statutory changes to make the labour laws effective and sanction breaches of them; to decentralize and increase the labour inspection services; to expedite procedures for the recognition of the legal personality of the labour organizations; to promote access of peasants to land ownership; to promote legal reform so as to establish a safe and simple legal framework, accessible to the entire population, with regard to land ownership; to establish and apply procedures for the rapid settlement of land disputes; to standardize land ownership rights and to promote changes in legislation to allow the establishment of a decentralized registration and cadastral system. In the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, the Government undertook to promote legal reforms to establish careers in the judiciary and establish a Public Defender's Office in criminal matters; encourage better access to justice; establish a single National Civil Police under the authority of the Ministry of the Interior; institute a law governing the operations of private security companies; restrict the possession and carrying of weapons and make the Ministry of the Interior responsible in this regard; limit the role of the army to the defence of the sovereignty and territorial integrity of Guatemala; modify the army's training system; establish a State intelligence system; repeal the decree establishing Voluntary Civil Defence Committees (CVDC) or

Civilian Self-Defence Patrols (PAC) and disband the mobile military police (PMA). Both Agreements have a special chapter on the participation of women, which makes it clear that the situation requires an affirmative action policy and that the political will exists to act accordingly.

11. All these commitments made to the people of Guatemala, which provide for their own international verification, should begin to take effect once the Peace Agreement has been signed, i.e. as from 1997, and should supplement the steps taken by the authorities in 1996, including the deposit of the instruments of ratification of International Labour Organization Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará); the adoption of Decree No. 41-96 limiting military courts to trying military crimes and offences; the reformulation of the duties of the Presidential General Staff; the establishment of different domiciles for the Commander-in-Chief of the Armed Forces and the Minister of Defence; the start of the process of demobilizing the PACs or CVDCs; the training of a new intake of police officers to replace those who made up the old force; the adoption of Decree No. 63-96 whereby persons under 25 years of age are forbidden to carry weapons; the appointment of six Maya language interpreters to work in the area of administration of justice; pilot plans for the College of Legal Studies; the decision of the Constitutional Court of 7 March 1996 declaring articles 232 to 235 of the Penal Code to be unconstitutional since they infringe women's right to equality as set out in article 4 of the Constitution; the adoption of the Children's and Young People's Code; the agreements reached with the Communities in Resistance (CPR) of Sierra and El Petén for the negotiation of a permanent location, and their legal and land-ownership status; and the adoption of a new rota system in the Metropolitan Prosecutor's Department.

12. This situation has generated a climate of confidence among the population, so that many of the conflicts which have been latent for decades have been brought into the open. The same confidence has also led to nearly universal conviction that no State policy exists on human rights violations. There is, indeed no lack of situations where State inaction is itself a violation of human rights or of situations which, owing to their structural nature, it has not been possible to remedy during the past year.

## II. GUATEMALA: FACTS 1996

13. Of Guatemala's 10 million inhabitants, 60 per cent belong to the indigenous populations (Maya, Xinca and Garífuna). Fifty-one per cent of the population is under 18 years of age. Guatemala occupies 112th place in the 1996 human development index, less on account of the US$ 3,400 per capita GDP than of the infant mortality rate of 54 per thousand live births, and the illiteracy rate of 45 per cent, which rises to 70 per cent in rural areas. These indicators together with the fact that 10 per cent of the population receive 44 per cent of all income, that 2 per cent of the landowners own 65 per cent of the cultivatable land, that 46 per cent of the population do not have access to health services and 40 per cent have no access to drinking water, go to make up a situation of extreme poverty.

14. The period of domestic armed conflict which has been brought to a close by the Agreement on a Firm and Lasting Peace did not result in the destruction of the country's economy but weakened the civil authorities, i.e., the State, and caused incalculable damage to the social fabric. The State's weakness may be measured by the fact that it has only 419 judges and magistrates - 236 of whom are justices of the peace without a professional qualification - 350 prosecutors and 7,000 operational police to cover the entire national territory, not to mention the fact that the health and education services are even more understaffed. The social damage can be measured in terms not only of tens of thousands of deaths, missing persons, internally displaced persons and refugees but also of a long-standing culture of fear, overcoming which will require enormous investments in education and time. Despite this, the conflict and its consequences have led to important developments in civil society, which has become organized into innumerable individual entities with the most varied aims, which need to evolve from a position of dissent to one of intent. An extremely fragmented society devastated by high levels of violence is now endeavouring to rediscover ways of becoming part of the peace construction process.

## III. CIVIL AND POLITICAL RIGHTS

### A. Right to life. Right to integrity

15. The statistics show a considerable drop in violations of the right to life, the right to integrity and the right not to be subjected to torture and other cruel, inhuman or degrading treatment. It emerges from information supplied by the office of the Human Rights Procurator that complaints investigated in connection with the right to life decreased by 20.10 per cent, and with respect to the right to integrity by 25.71 per cent, compared with the same period in 1995. MINUGUA has announced that extrajudicial executions fell by 33 per cent compared with 1995; reports of torture account for 2 per cent of the complaints although complaints of cruel treatment are received and arbitrary detentions are known to take place.

16. Héctor Tavico, a student of graphic design at the University of San Carlos (USAC), was kidnapped in 1996. When his body was discovered it showed unmistakable signs of ill-treatment. Sergio Estuardo Aguilar Lucero, a law student, was also killed. The legal investigation has been suspended since no lawyer has been assigned to the case. In February 1996, Méndez Anzuetto was murdered in Joyabaj, Quiché in front of his son. Arrest warrants were issued for members of the local PAC but no arrests were made. On 5 October 1996, the Maya leader, Juan Ortíz, was kidnapped in escuintla; there were knife wounds on his body and he had been finished off with a coup de grâce.

### B. Administration of justice

17. The national authorities generally admit that major shortcomings exist in the administration of justice. The judiciary has lost its social and professional prestige to such an extent that, according to legal circles, judges do not want posts in the interior of the country. This explains the widespread use of the legal exemption which permits non-graduating students in legal and social sciences, i.e., students who have completed all the required

courses but have not taken the exams to enable them to practise professionally, and officials with court experience to have access to posts as justices of the peace; they account for 236 out of a total of 251 justices of the peace.

18. Judges are appointed on the basis of influence, which is not only contrary to the Basic Principles on the Independence of the Judiciary, but also makes it impossible to verify the qualifications of the person appointed. In cooperation with MINUGUA, a series of competitions for the appointment of lower level magistrates was introduced in April 1996. The shortage of judges - 13 superior-court judges, 56 Court of Appeals judges, 101 first instance and trial judges, 251 justices of the peace - is just as much of a problem. The President of the Judiciary and the Supreme Court of Justice put it concisely when he said on 24 August 1996 that there were not sufficient courts in existence to deal with the population's demands for justice, and that there was therefore a backlog of cases.

19. The quality of judicial proceedings is having an adverse effect on the effectiveness of the right to trial. The handling of the proceedings reflects a tradition of excessive ritual ultimately at the expense of justice. External pressures on the judiciary have decreased considerably, but internal independence is consistently lacking. Management problems are considerable and the approach to them has to date been very unorthodox and unstructured.

20. The situation of the Public Prosecutor's Office illustrates this analysis. Since 1994, the law has separated functions of the Procurator-General of the Nation from those of the Attorney-General of the Republic. However, the Public Prosecutor's Office has not succeeded in functioning efficiently. It does not have as many prosecutors as might reasonably be expected given the size of the population and the territory to be covered. It has not defined a clear crime policy for dealing with an environment of extreme social violence in which normal resources are inadequate; nor has the Public Prosecutor's Office succeeded in improving its relations with the National Police in order to provide efficient direction of police investigations, which should be conducted "under its supervision". Nor has it been provided with the necessary technical means to investigate certain offences. It may be noted here that an agreement was recently signed with the Faculty of Chemistry of the University of San Carlos (USAC) in connection with the use of laboratories. There is also a large element of discretion in the timing of the stages of proceedings, e.g. in preferring charges.

21. Judicial practice does not guarantee an interpreter to defendants who do not speak Spanish, which in view of the fact that the population is 60 per cent Maya gives rise to numerous occasions on which due legal process is not complied with. The assistance of counsel is similarly not guaranteed. The Public Defender's Office in criminal matters, established under the Code of Criminal Procedure which came into force in 1994, suffers from very much the same shortcomings as those described above. It has only 29 public defenders nationwide which means that not all the departments of the interior are covered; El Quiché, El Petén and Huehuetenango, with their large indigenous populations, have no public defender. Legislation to allow the office to meet its fundamental objectives has not yet been adopted. With the

cooperation of MINUGUA, a bill has been prepared and is now before Congress, public defenders have been trained and the number of posts increased by 10.

22. These shortcomings - the need for generalization precludes discussion of specific cases of judges, magistrates and prosecutors where they do not occur - have adverse effects on the enjoyment and exercise of the right to a trial. This can be seen from the lack of major progress in notorious cases which have been before the courts for years and in others which are becoming notorious for the same reasons.

23. The legal handling of the investigation into the Xamán massacre of 5 October 1995 is striking proof of a hitherto insuperable inertia. The case has some special features, not only because of its innately tragic nature, but because of its more immediate effects; for the first time a President of the Republic accepted institutional responsibility for an occurrence; for the first time a massacre was immediately brought before the courts; for the first time a whole military unit was taken to court; for the first time military jurisdiction was set supplanted by the civil courts in a case with military defendants; for the first time criminal charges of extrajudicial execution were preferred. However, the decision of the Judge of the Criminal Court of First Instance of Cobán, Victor Hugo Jiménez Ruiz, on 30 and 31 May 1996, to revoke the pre-trial detention of eight of the accused, including Lt. Lacán Chaclán, who was in command of the unit when the massacre took place, and to replace it with house arrest to be effected at Military Zone 21 Base, was the first of a series of dilatory and inconclusive measures. The judge was withdrawn from the case by the Supreme Court of Justice on account of numerous irregularities. The new judge appointed was challenged by the defence and confirmed by the High Court, which also declared the replacement measures null and void and upheld the charges. For a year nothing has changed in the situation of the accused or in the merits of the case.

24. Pascual Serech was shot at on 1 August 1994 and subsequently died. Manuel Saquic disappeared for 20 days until, on 11 July 1995, it was confirmed that he had been summarily executed. Both had been members of the Kakchiquel Presbytery and the Council of the Evangelical Churches of Guatemala (CIEDEG). In September 1995, it was alleged that the Military Commissioner in Panabajal Comalapa, Víctor Román Cutzal, was responsible. Arrest warrants were issued but have still not been used. No progress has been made in the case. The members of the Presbytery, however, are subjected to constant harassment.

25. The investigation into the extrajudicial execution of Myrna Mack is the only case in which the perpetrators of the crime were identified. However, the court decision to authorize the necessary investigations to identify the instigators has come up against numerous obstacles, leading the Inter-American Commission on Human Rights to conclude that it has not been possible to achieve proper access to the resources available in order to bring to trial all the persons against whom there is substantial evidence of guilt in the murder of Myrna Mack. Under decree No. 41-96, the case went to the ordinary courts; the judge maintained that the procedure applicable was that of old Code of Procedure. It may be noted that proceedings were instituted more than two years ago and have been conducted under the new Code.

26. In the case concerning the death of the student Mario Alioto López Sánchez as a result of police repression of a march on the USAC campus on 11 November 1994, the Public Prosecutor has charged several police officers. The rejection of the compensation claim, under article 155 of the Political Constitution, which provides that compensation may not be claimed from the State for damage or injury caused by armed movements or civil disturbances, was appealed and resolved in favour of the claimants.

27. The investigation into the death of the President of the Constitutional Court, Epaminondas González Dubón, has both progressed and regressed. The death was classified as a common crime and the brothers Salazar were charged but later acquitted. On 30 July 1996, the Supreme Court of Justice annulled the acquittal and ordered the First Trial Judge to issue warrants for the arrest of the two brothers and of the other persons accused of stealing vehicles. The accused made their escape. An investigation has been opened to ascertain responsibilities with regard to their escape.

28. On 8 February 1996, the Second Judge of First Instance of Coatepeque, Quetzaltenango, Miguel Eduardo León Ramírez, decided to abandon the excavations and exhumations in the Cabañas Military Detachment, San José La Montañita, Ayutla, San Marcos, to find Efraín Bámaca Velázquez. The Judge declared himself incompetent and transferred the proceedings to the Military Court of First Instance. The incompetence was filed for by the Army which allegedly attached the death certificate of Bámaca No. 41, recorded in book 45, page 3, of the Civil Register of Nuevo San Carlos Retalhuleu, registering the removal of the body of an unidentified man of approximately 25 years of age, on the banks of the Río Ixcocua, on 18 March 1992. The death certificate apparently contains a note based on communication No. 36-95 sent by the Military Court of First Instance amending the certificate and inserting the name of Efraín Bámaca Velázquez. The Constitutional Court furthermore prevented the registration of the marriage of Bámaca with Mrs. Harbury recorded in a decision handed down in Texas, since the law in force in Guatemala prohibits the execution of a foreign decision handed down in absentia.

29. On 15 January 1996, Lucía Tiu Tum, eight months pregnant, and her husband, Miguel Us Mejía, were assassinated in Santa Lucía La Reforma, Totonicapán. The Second Criminal Court of First Instance of El Quiché ordered the case to be filed at the request of the Public Prosecutor's Office for lack of evidence. The person bringing the charges, María Us Mejía, was not notified of the decision and therefore was unable to appeal against it.

30. In the criminal investigation of the events of 24 August 1994 which occurred in the La Exacta estate, Coatepeque, Quetzaltenango, as a result of a police raid, leaving three workers dead, no charges have been filed and the case is still at the preparatory stage. The proceedings taking place in the labour court have similarly not reached any conclusion. The declaration made by the workers early in 1994 to the Labour Court of Coatepeque was accepted on 18 February 1994. Subsequently, it was reported that it had been transferred to the Sixth Labour Court of Guatemala City for a decision on 12 May 1994. There have been no further developments.

31. It is a matter of concern that the tremendous effort to locate the clandestine cemeteries, the legacy of the 1980s massacres, and the endeavours by witnesses to reconstruct a painful past have not been matched by formal proceedings to reveal the truth of what happened and identify those responsible. In 1996, some 17 human skeletons were found in Cahabón, Alta Verapaz, 36 in La Pedrera, at kilometre 13 of the road from Chimaltenango to San Martín Jilotepeque, about 50 kilometres from Guatemala City, and 20 at Chal, municipality of Dolores, Petén. In February 1996, at the request of the Public Prosecutor's Office, the Criminal Court of First Instance of Baja Verapaz ordered a start to be made on exhumation work in the village of Agua Fría, Rabinal. Since July 1994, patrol members Carlos Chen Gómez, Pedro Gonzalez Gómez and Fermín Lacuj, who were involved in the events, have been under arrest.

32. On 16 November 1996, the Expert was in Rabinal with members of the Pacux, Canchún, Aldea Buenavista and Xococ communities, and members of the Baja Verapaz Maya Achí Displaced Widows, Widowers and Orphans Coordinating Committee. She was able to interview survivors of the massacres of Río Negro and Plan de Sánchez and other witnesses of the events. Since her visit in November 1994 there seemed to be a greater willingness to relate what had happened and to cooperate with the justice system in order to elucidate the events. She received a statement detailing the location of approximately 25 mass graves; identifying 41 persons - 37 members of the PAC of Xococ, 3 military commissioners and members of the army - regarded by the communities as responsible for the events; requesting the appointment of a special prosecutor for the mass graves in Baja Verapaz; and calling for justice. The Expert gave a copy of the statement to the Attorney-General and the President of the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH). She spent 17 November 1996 in Cuarto Pueblo where she was informed that a criminal trial committee had been set up. She was told that the exhumations had been completed the previous year, that arrangements were being made to bury the victims on 7 December 1996, and that the Public Prosecutor's Office in Cobán had taken statements from witnesses but that formal charges had not yet been brought.

33. The judicial investigations into the massacres are progressing at a pace which does not permit of the filing of the relevant charges, with the consequent effects on the prima facie suspects who are still in detention. In some cases, the production of evidence is becoming considerably more difficult because the prosecutors require survivors and not just witnesses of the events, in a restrictive interpretation of procedural law. Efforts have been made in the country to document these events, including the "Reclaiming the Historical Memory" project of the Archbishopric of Guatemala and Coalition for Truth. On 2 September 1996, the Human Rights Procurator adopted a resolution concerning the mass graves in Plan de Sánchez, in the villages of Chichupac and Río Negro, Rabinal and Baja Verapaz, and describing the massacres as crimes against humanity.

34. The standards applied by the courts similarly do not contribute to a more effective exercise of the right to a trial. Existing criminal law makes it difficult to distinguish between kidnapping and enforced disappearance between homicide and extrajudicial execution and between injuries and torture,

especially when no mention is made of characteristics identifying the second of each of these terms, as defined in international treaties taking precedence over internal law in Guatemala.

35. An important and urgent question is that of the amendments to the Penal Code which have extended the death penalty to offences to which it did not apply when the American Convention on Human Rights came into force. Decree No. 14-95 calls for the death penalty for the crime of abduction or kidnapping. Various people have received death sentences; for example, on 11 November 1996, the First Trial Court of Chimaltenango sentenced Carlos Tórtola Escobar, Marco Antonio Fuentes Marroquín and César Soto to death for the kidnapping of Adolfo Santos Marroquín. Although the sentence has not yet become enforceable, it should be pointed out that the mere application of the norm in question constitutes a breach of article 4.2 of the American Convention on Human Rights. It is therefore important that the law should take account of international undertakings in this regard so as to avoid incurring international liability and allow the Judiciary to find means different from those adopted in another 1996 case. On 13 September 1996, Castillo and Girón were executed, after being sentenced for the abduction and death of a five-year-old girl, an offence which carried the death penalty before the Convention was ratified. On 26 March 1996, in proceedings No. 334-95, the Constitutional Court ruled that the human rights treaties are not parameters of constitutionality. In rejecting the precautionary measures requested by the Inter-American Commission on Human Rights (CIDH), the Supreme Court of Justice referred to the risk which a failure to execute the sentence would involve and maintained that only the courts had the power to sentence.

36. In conclusion, the authorities admit that the administration of justice requires substantial and urgent improvement. Some efforts have been made; however, in view of the magnitude of the problem, they are minor. There is a general feeling that no impact has been made on impunity. The difficulty of the courts in arriving at sentences which will restore the rule of law in everyday life and which will bring justice to the thousands of persons who have died in the last few decades means that efforts to deal with impunity must not flag. While the problem exists, society finds itself an astounded and impotent spectator while lynch mobs take the law into their own hands, which is unacceptable in a democracy.

## C. Prison system

37. The Guatemalan National Prisons Department has 14 main prisons, 3 prison farms and 11 pre-trial detention centres; there are also public jails of which the National Police is in charge. The prison system does not have enough material or human resources. Conditions of hygiene are unsatisfactory. Although prisoners receive three meals a day, the food they eat is nutritionally poor. Medical care is more a formality than a reality. There are no education, instruction or work programmes of any kind. The system is totally lacking in standards and no guidelines have been adopted to regulate the rights of prisoners or the career development, rights and duties of prison officials.

38. Prisons have become depositories for persons who mostly consider that they are living quiet lives, who do not receive regular visits from the

judicial authorities and, in more than one case, do not know why they are being detained. The problem becomes even more acute if it is borne in mind that as many people were detained in 1996 as in 1994, the period with the largest number of imprisonments in the last five years, exceeding the average of that year by about 1,000 persons. Only 25.8 per cent of detainees have been convicted. They and prisoners awaiting trial live together in the same quarters; no distinction is made between adults and juveniles or on the basis of the offences of which prisoners are accused.

39. On 22 November 1996, the Expert visited Canadá Prison Farm in Escuintla, where she spoke with officials and detainees privately and visited the facilities. The prison has a population of 858 detainees, of whom 462 have been sentenced. The prison staff provides security in and around the prison; inside, there is a system of self-government through Supervisory Committees. The prison is organized into blocks, communal cells with brick beds. There is usually no separation between detainees, but those whose behaviour is anti-social, as determined by the Supervisory Committees, are put in isolation cells. There are different sectors for homosexuals and persons convicted of offences not involving any danger. There is a medical service, which has four beds for detainees who require admission. Emergencies are determined by paramedical staff. It was reported that staff are on duty in the infirmary 24 hours a day, while the doctor is present 2 hours a day and the pharmacist works 8 hours. There is a multipurpose room with a television, although detainees are allowed their own appliances. There are small groceries or canteens run by the detainees themselves where they can buy food to supplement their diet. There are no telephones or other means of communication with the outside world, except for a cellular phone belonging to the prison Governor. There are no organized activities, although some detainees weave hammocks, knapsacks and nets. The detainees can play sports as much as they like, especially soccer, but there is no organized system. On Saturdays, a chaplain celebrates mass, but other types of services can also be held. A small school, authorized by the Ministry of Education, is attended by about 160 persons. General visiting days are Wednesdays and Sundays, while Fridays are for visits by spouses.

40. The prison day begins at 6 a.m. with roll-call and then cleaning, for which water is provided only three times a day. Breakfast, which is prepared by detainees who work in the kitchen, is served between 7 a.m. and 8 a.m. Lunch is served at noon. Like breakfast, it is served in the kitchen, but may be eaten anywhere the detainees choose. The workshops close at 4 p.m. and dinner is served at 5 p.m. The detainees move about freely in the naturally green areas surrounding the cell blocks.

41. In private, detainees said that there should be a more organized work and education system. It also became clear that there were discrepancies between the diet reported by the authorities and that described by the detainees, especially with regard to food quality. There were complaints about medical care, which was characterized as defective, dental care, which is not provided, and the pharmacy, for which medicines are allegedly taken without authorization. The detainees said that visits by the judicial authorities to the prison are not made regularly and, when they are made, the officials get only as far as the Governor's office, but not inside the prison. It was established that there are detainees who are registered under names

that are different from those on their identity papers and who do not know the criminal charges against them or what their trial situation is. One of the persons interviewed, who was illiterate, was registered under a first name that was different from his own and had been detained for two years, presumably for a minor property offence (theft or robbery).

## D. Citizens security

42. According to data provided in early May 1996 by the Public Prosecutor's Office, during the first quarter of the year, an average of 10 persons died violent deaths every day; 3 were abducted, 6 to 8 city and 3 country buses were attacked; and the victims of only 18 of the 44 documented abductions that occurred escaped unharmed. On 13 June 1996, barely one month after having taken office, the Attorney-General disclosed that, in Guatemala, there are 90 abductions per month on average and that at least 3 complaints are filed with the prosecutors' offices each day, not counting the cases which are kept secret for fear of reprisals or in order not to hamper negotiations with the abductors. In the first half of the year, 75 persons were lynched. Every day, the newspapers and television news broadcasts contain items about bodies found in the streets, tied up or showing signs of abuse.

43. The picture described reflects one of the greatest concerns in the country, namely, growing social violence and the endemic problem of the lack of personal security. The security forces have therefore asked for any assistance that military bodies such as the Mobile Military Police (PMA), can provide, thereby changing the rules by which civil society lives. Persons belonging to the upper class have hired private security staff, to whom they have given offensive weapons. Over 700 licences are issued during the year, thus creating private mini-units that are beyond any control. Those who cannot afford such an expense carry weapons.

44. The legislative authorities refer to what they call legal impunity, stating that the legal provisions in force are not adequate to deal with the levels of violence that exist. The number of offences related to citizen security has increased, the death penalty has been imposed for abduction, as already noted, and it is considered lawful to kill someone trespassing on property. Speaking out in public has also gained ground as a result of the formation of a group known as "Madres Angustiadas", which popularized the saying that "You can complain, demand, protest, but you can't keep quiet because keeping quiet makes you an accomplice".

45. The high levels of citizen dissatisfaction about criminal prosecutions and sentencing have not been compensated by the serious, but not totally effective, efforts that have been made to combat crime and impunity. This is the result of a system of administration of justice which fails to attack impunity and does not send society instructive messages; and of a police force which has for years been overlooked in terms of budget and resources, is riddled with corruption, and leaderless and untrained, and has had to compete with two other bodies, the Financial Police and the Mobile Military Police (PMA). This has stirred up a great deal of the violence from which the country suffers and has paved the way for large-scale criminal organizations.

## E. Harassment and threats

46. The deterioration of the social fabric is partly the result of the widespread manipulation of a policy of threats that it is difficult for the persons involved in the daily life of the country to escape. Threats and harassment of the members of the judiciary and the Public Prosecutor's Office are common. In late 1995, the Rigoberta Menchú Tum Foundation and the Public Prosecutor's Office complained about the threats being made against Ramiro Contreras, the prosecutor in charge of the case of the Xamán massacre. On 15 January 1996, the President of the Judges' Institute reported death threats against the members of the Appeals Courts chambers. In early February 1996, the Presidents of the Congress and the Judiciary met with President Alvaro Arzú to discuss the question of the security of judges and magistrates. The meeting was held after Judge Alvaro Hugo Sagastume was machine-gunned and Judge José Vicente González of the Third Criminal Court was murdered. On 18 April 1996, shots were fired at the residence of Erwin Ruano Martínez the prosecutor in Cobán, Alta Verapaz. On 1 August, Fausto Corado, the special prosecutor in charge of the proceedings against a gang of kidnappers, received death threats.

47. Leaders of human rights organizations, deputies, trade unionists and members of churches have been threatened. On 6 March 1996, the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions asked the Government for information on the threats against Pastor Lucio Martínez, Blanca Margarita Valiente, Vitalino Similox and Juan García of the Kakchiquel Presbytery in Chimaltenango. On 27 June 1996, the Inter-American Court of Human Rights ordered precautionary measures to protect the life and personal integrity of the above-mentioned persons and others involved in the investigation into the facts relating to the murders of Pastor Serech and Pastor Saquic.

48. In January 1996, the International Federation of Human Rights Leagues reported harassment against Oswaldo Enríquez, a member of the Executive Board of the Guatemalan Human Rights Commission. The New Guatemala Democratic Front (FDNG) did the same with regard to death threats against deputies Rosalina Tuyuc, Manuela Alvarado and Nineth Montenegro. The trade unionists Débora Guzmán Chupén, Félix González and Julio Coj received death threats in February 1996. On 1 April 1996, the indigenous leader Julio Ixmatá Tziquín was badly beaten by former members of PACs. On 20 May 1996, the FDNG deputy and leader of the Guatemalan Widows' National Coordinating Committee (CONAVIGUA), Rosalina Tuyuc, reported acts of intimidation against her and her family following the failed attempted rape of her sister María Tuyuc. Also in May, Pastor Samuel Mérida, President of the Synod of the Guatemalan National Presbyterian Church, composed of members of religious orders from various ethnic groups, was abducted for one week. In early July 1996, the Hispanic Ombudsmen expressed their solidarity with their Guatemalan colleague who had received death threats. The Jaguar Justiciero started operating again during this period, threatening the organized expressions of civil society. The headquarters of the Peasant Unity Committee (CUC) in Quiché were searched on 16 November 1996. The son of Miguel Morales Morales, a Mutual Support Group (GAM) leader, was abducted in November and released unharmed a few days later.

The Attorney-General's Office also reported harassment against Otto Raúl Gabarrete Soberón, who was allegedly abducted because of the work he was doing in the Office.

49. The professionals who are helping the survivors of the recent massacres and their families in the Human Rights and Mental Health Workshops in Rabinal and with whom the Expert spoke on 16 November 1996 during her visit said that the majority of persons receiving assistance have been threatened.

## F. Freedom of expression, information and communications

50. Growing citizen insecurity led some sectors of society to call for the adoption of any measures that might make it possible to identify the persons responsible for abductions. On 16 August 1996, the Attorney-General stated that it is not legally feasible for the Public Prosecutor's Office to monitor telephone calls, as requested by the organization called "Relatives and Friends against Crime and Abduction".

51. There have been various developments with regard to freedom of expression. New information media have opened up, including the Maya news agency "Iximulew" and new newspapers in Guatemala City. Threats and harassment of journalists have also increased. In February, the members of the editorial team of the newspaper Siglo XXI received death threats. On 28 February 1996, the journalist Vinicio Pacheco was kidnapped by unknown persons, questioned in detail about the issues he dealt with in his work, particularly those relating to abductions and car theft, tortured and finally released; there has been no progress in the legal proceedings. On the same date, there was a bomb attack on the home of journalist Julio Amílcar Nuila. In March, the home of journalist Juan Concepción Arellano Marín, in Flores, Petén, was searched. Threats were also received by Edgar René Sáenz, the correspondent of the newspaper Prensa Libre in Sololá, and a list was disclosed containing names of columnists from various media who were threatened: Carlos Rafael Soto, Haroldo Shetemul, Gustavo Berganza, Mario Alberto Carrera, Eduardo Zapeta and Marta Altolaguirre. The journalist José Yantuche was attacked in April and later died; on 25 April 1996, the lawyer and journalist Julio René Lemus Flores was murdered half a block from the courthouse in Guatemala City. Attacks were also committed in May against the journalists Carlos Orellano and José Rubén Zamora Marroquín. During her stay in the country, the Expert received a submission from the staff of a television new programme, Notisiete, claiming that they had been dismissed as a result of Government pressure. When asked about this, Government officials denied that it was true and described the situation as a clear-cut labour dispute.

52. On 22 August 1996, the Attorney-General and the Guatemalan Bar Association agreed that journalists should not be summoned as witnesses because that was contrary to their duty to guarantee the confidentiality of sources.

## IV. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### A. Right to decent and equitable working conditions. Trade union rights

53. The majority of non-governmental representatives with whom the Expert spoke expressed concern about the repeal of the provisions on non-payment of wages and about the labour inspection corruption that continues to exist. Although they recognize the establishment of new labour courts as a positive development, they have more complaints about Decree No. 35-96 on the State Workers' Unionization and Strike Regulation Act. Actions of unconstitutionality have been brought before the Constitutional Court by workers and by the Human Rights Procurator. The argument is that the Act deprives members of the armed forces and the police of the right to strike and to form trade unions, whereas article 8, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights allows only the lawful restriction of the exercise of that right; that it removes power to determine whether or not a strike is lawful from the courts and gives it directly to compulsory arbitration; and that it legally empowers the State to take retaliatory measures without any liability or legal authorization.

54. Light and power workers have reported that there have been constant violations of the collective bargaining agreement as a result of privatization of the Electricity Institute. They have also reported discrimination, since the administration prohibits participation by women. In the coffee growing area in the north, it is alleged that estate owners do not pay the minimum wage or benefits provided for by law; it is also indicated that, when labour disputes arise, persons taking action in the courts are dismissed. The workers' lawyers report that the labour courts hand down civil court-type rulings in order to sidestep the principles and specific features of labour law.

55. The important decisions taken by the Government to combat corruption have adversely affected the exercise of some rights protected by the International Covenant on Economic, Social and Cultural Rights. Government Agreement No. 431-96 thus ordered intervention at the Santo Tomás National Port Authority. The nominee appointed adopted decisions that amend the provisions of the collective bargaining agreement and the company rules on workers' rights. The authorities with whom the Expert discussed the issue said that the conditions agreed on did not reflect either the situation in the country or its economic requirements. In any event, article 106 of the Constitution appears to state that procedures for the settlement of disputes have to be compatible with labour rights.

56. The decision to centralize the handling of collective disputes throughout the country in the sixth and seventh Labour Courts in Guatemala City is a considerable obstacle to access to the courts. Moreover, none of the 1,500 disputes that has arisen has led to a decision that the corresponding conciliation court should be set up.

57. In this connection, it should be recalled that, although the International Covenant on Economic, Social and Cultural Rights contemplates elements of progressiveness to guarantee the rights protected by the State, it also considers that regressive measures are not compatible with the commitments undertaken.

## B. Right to health

58. There is little involvement by the State as health care provider for the inhabitants of Guatemala. The Minister of Health explained that the problem her portfolio faces is one of management, not one of funds. She pointed out that the country's health problems require broad social participation. In this connection, the Government is carrying out a full review of all sectoral programmes with outside support: the mother and child programme, in which Cuban professionals are taking part; the emergency units programme; the integrated community care programme in Alta Verapaz; the Talita Kumí programme for the advancement of Kekchi women; and the health security programme, for which an agreement was signed with the Archdiocese of Huehuetenango. The goal of the current management's work plan is that communities should operate health centres.

59. The present structure of health care coverage is inadequate. Inside the country, especially in returnee areas, health care is provided by international non-governmental organizations with funds from donor countries. These health units, such as Médicos del Mundo/Spain in Tuilhá estate, are usually well equipped and, in some cases, have been able to make use of the local pharmacopoeia and also provide health care for neighbouring communities.

## C. Right to education

60. The authorities said that they are working towards equality in education throughout the country. They maintain that urban areas are quite well served, but rural areas are not. They explained that, in areas where a school exists, coverage has been expanded through the Ministry of Education; 2,500 teaching posts have been allocated to 277 municipalities and teachers are selected on the basis of a competitive examination by a body composed of representatives of the Ministry, other teachers, parents, the private sector involved in education and the municipality concerned. In areas where there is no school, the Government has decided to implement the principle of self-management provided for in the Agreement on Social and Economic Aspects in order to revitalize the PRONADE programme. The authorities also showed an interest in the fulfilment of commitments under the Peace Agreements, especially with regard to bilingual education.

## D. The land problem

61. Since November 1995, estates have been occupied throughout the country, especially in San Marcos, in protest against ownership problems. The atmosphere of confidence that has led to progress in the process of negotiating peace has resulted, inter alia, in the externalization of historical land ownership disputes, not only between private individuals, but also between communes. The problem is becoming increasingly complex because land registers and measurements are not accurate.

62. In mid-January 1996, a large-scale invasion of estates took place in El Tumbador, San Marcos and Sololá. The estates occupied include: La Providencia, Las Delicias, Santo Tomás, Panamá, Australia, El Tablero and Montañesa.

63. On 23 November 1996, the Expert met with peasants at El Tablero estate, San Marcos; some time later, she also met with the owner of the estate, Ricardo Diaz Márquez, in El Tumbador and with national authorities in Guatemala City. The chronology of events involving El Tablero begins with the occupation of the estate by the peasants in November 1995, when they were demanding 5 caballerías (1 caballería = 4279 ares), although they were already occupying 15. This led to the institution of land take-over proceedings demanding the arrest of seven persons identified as leaders of the occupation. The court-ordered eviction did not take place on 22 December 1995, when the occupants promised to withdraw voluntarily, but did not keep their promise. On 3-4 February 1996, 400 members of the Rapid Reaction Forces (FRI) were mobilized from Guatemala City to evacuate Australia and El Tablero estates. The police arrested 19 peasants and it is reported that 10 persons are missing. The consensus is that the peasants were tricked by the security forces, who invited them to engage in a dialogue. The third eviction attempt also ended in failure, when a bloody fight broke out between the peasants and the police on 17 April 1996 in which the FRI Commander, Commissioner Ernesto Soto Hernández, was hacked to death and seven officers were wounded. The peasants formed a human barricade to trap the police, who were wounded and left without medical treatment for over one hour. Finally, MINUGUA representatives managed to rescue them.

64. On 23 April 1996, President Arzú announced that his Government was setting up a multi-sectoral commission to conduct an investigation of the failed attempt to evacuate El Tablero estate in which Commissioner Ernesto Soto Hernández and the peasant Roberto Velásquez, who killed the Commissioner, died. In the meantime, the parties agreed to the proposal by the Ministry of the Interior and the Archbishop of San Marcos for mediation by the National Fund for Peace (FONAPAZ). During the mediation, the issue became a dispute between two municipalities. On the basis of the information received, FONAPAZ drafted a report which it submitted on 24 July 1996, stating that the town limits between the municipalities of San Pedro Sacatepéquez and El Tumbador are those recognized by the latter. The FONAPAZ mediator was passed over when both municipalities decided to bring the issue before other bodies. This does not, however, settle the dispute between the peasants, who link their claims to the communal issue and consider that the FONAPAZ report is biased because it does not honour the Sacuchúm title deeds belonging to the municipality of San Pedro Sacatepéquez. Mr. Diaz Márquez produced the title deed for the estate, as well as earlier records showing the limits of the property he purchased to be correct. A new stage in the negotiations of which the Deputy Minister of the Interior is in charge began in late November 1996.

65. At the request of the Public Prosecutor, on 20 April 1996, the Second Court of First Instance in Coatepeque ordered the eviction of some 1,700 peasants who were occupying Cristina estate, in Colomba, Costa Cuca, Quetzaltenango, and the evacuation of five plots of land on La Blanca farm in Ocós, San Marcos; and the San Isidro estate in Colomba, Costa Cuca.

On 23 April, 300 persons occupied the Agropecuaria Depósito SA ranch in Génova, Costa Cuca, Quetzaltenango. On 10 May 1996, in response to requests by the Peasant Unity Committee (CUC), the Governor of Quetzaltenango, Aristídes Vielman, established a commission to ask the National Institute for Agrarian Transformation (INTA) for land on which to resettle 200 families evicted from Cristina estate in Costa Cuca.

66. The eviction of peasants from La Blanca farm, Ocós, San Marcos, was not peaceful. According to the Director of the National Police, the peasants attacked first, using Molotov cocktails and other types of bombs against the police officers, who had orders to arrest various peasant leaders and to evict the occupants of the land. The police arrived in the company of members of the Office of the Human Rights Procurator, MINUGUA, the Public Prosecutor's Office and the San Marcos Court. However, the National Indigenous and Peasant Coordinating Committee (CONIC) reported that the security forces burned down dwellings. On 12 October 1996, armed clashes broke out between the communities of Chuapequez, Ixchiguán, and Toninchún, Tajunulco, San Marcos, because of border disputes that date back 60 years.

## V. VULNERABLE GROUPS

67. National integration was called for by President Alvaro Arzú on 14 January 1996 in the statement he made on taking office: "Although we are all in principle equal before the law, discriminatory practices and behaviour do occur in Guatemala. De facto discrimination is practised against indigenous peoples and women. Discrimination is the main obstacle to the achievement of a national identity in which we all feel recognized, without, however, destroying our rich diversity".

### A. The indigenous majority

68. The ratification of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries was broadly welcomed by the majority of the country. However, the Maya organizations still have doubts about the bill being officially circulated to give effect to article 70 of the Political Constitution.

69. The gradual acquisition of a place in society has given the Maya organizations a great deal of dynamism. There are six Maya deputies in the Congress, three of them women. As a start to cooperation between various non-governmental organizations and MINUGUA, a pilot project is being carried out for the use of indigenous mother tongues, Mam and K'iché, in the Quetzaltenango, San Marcos and Totonicapán courts, involving two training courses and the training of 90 court interpreters. The project for the Administration of Justice Centre for the Ixil area also has a multilingual interpretation component and there are plans to hire an interpreter in the El Quiché Legal Aid Office.

70. The Office of the Human Rights Procurator has plans for an assistance programme for the indigenous populations whose objectives are respect for and the recognition and promotion of the historical and specific rights of the indigenous peoples, their communities and their members; full enjoyment of and an opportunity fully to exercise the fundamental human rights and freedoms

of the indigenous peoples and their members; and the prevention and elimination of discrimination against the indigenous peoples and their members.

## B. Uprooted persons

71. On 8 November 1995, the Agreement on the Resumption of the Activities of the Technical Committee for the Implementation of the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict was signed. Those activities had been suspended since the Xamán massacre on 5 October 1995.

### 1. Communities in resistance

72. In 1996, relations between the Communities in resistance (CPRs) - Sierra, Ixcán and Petén - and the authorities improved appreciably. Agreement was reached on principles for a framework for negotiations on resettlement and ultimately recognition as a civilian population, as well as on contacts with the State through its civilian authorities and services.

73. On 18 June 1996, the Government, the Sierra CPRs and the Pro-Land Committees of Chajul reached agreement on a framework for negotiations with the general aim of resettling the populations displaced by the armed conflict and promoting their social and economic reintegration, particularly with regard to access to land and taking into account the special characteristics, aims and interests of each group. The basic principles of the negotiations are recognized as dialogue, mutual and continuing respect between the parties, voluntary resettlement of individuals, non-discrimination, observance of the letter and spirit of the peace agreements, protection of the environment, maximum social benefit, preferential and special treatment of vulnerable groups, and community participation. Negotiations will be conducted by a negotiating committee comprising three representatives of each of the parties and mediated by the Bishop of the diocese. The cost of the negotiating process will be borne by the Government through FONAPAZ. On 14 November 1996, the Government and the El Petén CPR concluded a similar agreement, one of the objectives of which was legal recognition of the CPR as a non-profit-making civilian association, through the granting of legal personality.

74. On 16 November 1996, the Expert visited the Ixcán CPR in the Primavera del Ixcán community, which had been set up in February 1996 on communal land acquired with the assistance of Caritas. The community consists of 300 families comprising approximately 1,500 individuals; plots have been cleared and housing is currently under construction. Most activity is communal. There have been no security problems, with the exception of a low-level flight by two helicopters in the morning of 11 October 1996. Communications are a problem, however, as the only access is by river, which becomes impassable when in flood. The community has established very good relations with the neighbouring villages, with which it shares its services: medical clinic, school, sportsground, human rights workshops.

75. On 24 November 1996, the Expert visited the El Petén CPR located on the boundary of the Mayan biosphere. It comprises 150 families divided into five communities. They have set up projects for the development of women,

production, water supply and the protection of the Mayan biosphere. They are currently negotiating with the Government to be allowed to remain in the same area.

### 2. Internally displaced persons

76. Internally displaced persons represent a significant proportion of the population affected by the armed conflict living in poverty and exclusion. It is difficult to determine their exact number. The polarization resulting from more than three decades of armed conflict raises serious obstacles to their integration in the indigenous local population. Like repatriated refugees and returnees, they find themselves immersed in a dynamic process of resettlement in new locations, many of which have major physical limitations or are unsuitable for agricultural activities. The struggle for land is thus an ongoing phenomenon. In August 1996, an attempt was made to evict El Cerrito. On 23 August, warrants for the arrest of seven individuals were issued by the Public Prosecutor.

### 3. Refugees

77. Mexico has introduced a new system for stabilizing the movement of Guatemalan refugees. The plan is first being put into effect in Campeche and Quintana Roo, where refugees applying for it will be issued with the FM2 document (migration form No. 2), which is renewable annually. After the fifth renewal, the holder is entitled to immigrant status, i.e. a sort of permanent residence with the enjoyment of all rights except for political rights and a number of restrictions on the purchase of property in areas adjacent to land and maritime borders. This status also entitles them to leave the country for up to 18 months. During the five preceding years, migrants are under the protection of UNHCR.

78. There are also plans to introduce a special naturalization procedure for Guatemalan refugees with Mexican children or wives and who wish to avail themselves of it. On 12 December 1996, a first group of 48 individuals was naturalized under this system.

79. In July 1996, there was a problem with the refugees in the Chiapas area, mainly to do with FM3 status, which is renewable indefinitely.

### 4. Returnees

80. According to figures of the United Nations High Commissioner for Refugees (UNHCR), up to 30 September 1996, 3,311 persons had returned to Guatemala, 2,223 of whom had returned as groups organized by the Standing Committees of Representatives of Guatemalan Refugees in Mexico (CCPP) to five main destinations, namely, the communities of La Lupita, Valle del Río Oxec, Ixcán Grande, Entre Ríos and Santa Amelia.

81. The authorities of the National Committee for Aid to Refugees, Returnees and Displaced Persons (CEAR) have said that the working strategies in the area concerned the management of the process of return: consolidation of reintegration; land-use planning in conjunction with agro-ecological studies and definition of the population base; consolidation of return:

socio-economic reintegration process to promote integrated community development, legal security of land, legal and moral responsibility in paying for property, and planning strategies.

82. CEAR statistics show that of the 32,313 persons who had returned to Guatemala up to October 1996, 6,573 were adult women, 6,982 men, 9,169 girls and 9,533 boys. In addition, 6,990 were agricultural workers, 102 non-agricultural workers, 178 technicians and 82 service sector workers.

83. On 18 April 1996, 928 refugees arrived in Guatemala City from Chiapas; the following day they left for their settlement at Tuilhá estate, Cahabón municipality, Alta Verapaz. The group is settled on an area of 50 hectares. On 16 November 1996, the Expert visited the community, which is engaged in coffee production with a farming loan from the European Union. They have organized themselves into sectoral committees for health, education, human rights, Mamá Maquín women and youth. The community, which has already received the three aid quotas from CEAR, is still without a school. It has eight health workers and a Doctors of the World/Spain field unit. The community's needs in the area of communications are considerable; there is no transport of any kind, no radio and no public telephone. A study is being conducted with UNHCR for the construction of a rope bridge over the river. Drinking water problems are anticipated in the near future, when housing construction is completed.

84. On 17 November 1996, the Expert visited the returnee community of Cuarto Pueblo. There she was informed about the progress made in the criminal investigation into the 1982 massacre. A meeting with members of the community revealed the existence of unresolved issues within the group regarding the final membership of the cooperative - as a number of the members had not yet returned - and the presence of armed elements which attack them from time to time. They also stressed the need to build a road for access and business traffic.

85. On 23 November 1996, the Expert visited the Chaculá estate where she met the Management Committee and other members of the community. She was informed of the serious land problem that had arisen with the neighbouring village of El Aguacate, whose inhabitants had invaded the encampment, built houses and destroyed the community's water tank. The boundaries have not been defined, although the land was negotiated by government agencies before the return. The community is hoping for a positive and prompt response from the authorities on this situation, which is hampering their overall development, the distribution of land to members and the execution of the forestry and livestock project. Community members also complained that the education funding they had been promised for teachers' salaries had never been received. They also expressed concerns regarding health, as the area is very isolated and they have no vehicle, ambulance, medicines or any other resources to deal with emergencies.

86. On 24 November 1996, the Expert visited the returnee community of La Quetzal, in El Petén. There are 218 families, comprising 1,199 individuals who have already marked out building plots and built their houses. Relations with neighbouring villages have been good ever since their arrival. Members of the community spoke of problems in the areas of health, where they had

received assistance only from a non-governmental organization whose operations had finished at the end of 1996, and education (they had received school snacks but no teaching materials). They are currently negotiating a building development project with FONAPAZ.

87. On 19 November 1996, the Expert held working meetings with the institutions referred to in the agreements on the return of refugees concluded by the Government and the CCPPs on 8 October 1992, namely, the Mediation Agency, GRICAR and the Verification Agency, made up of representatives of the Episcopal Conference of Guatemala, the Office of the Human Rights Procurator and the United Nations. Both Agencies and GRICAR made it clear that the absence of United Nations representatives in 1996 due to financial problems which were expected to be overcome at the beginning of 1997, should be remedied once and for all.

## C. Children

88. Fifty-one per cent of the Guatemalan population are under 18 years of age and 50 per cent of children between the ages of 1 and 2 suffer from anaemia; 8 out of every 10 children live in poverty and 7 out of every 10 children are victims of some form of violence.

89. In 1996, the Human Rights Procurator decided to take an in-depth look at the question of ill-treatment of children and noted an increase in the number of reported cases of ill-treatment. The Juveniles Court reinstituted the Street Children Rescue Plan for children under 7 years old, and worked in coordination with the Office of the Procurator-General of the Nation, the Office of the Public Prosecutor and NGOs to provide homes and adequate centres for children. In the same connection, on 26 July 1996, the Procurator-General of the Nation and Casa Alianza signed a cooperation agreement on assistance for street children under which the State will provide support and protection for abandoned working children.

90. On 11 September 1996, the Congress unanimously adopted decree 78-96 containing the Children's and Juveniles' Code. Under the Code, children and juveniles are regarded as having full civil, social, economic and cultural rights. It establishes national, departmental and municipal protection agencies to formulate, implement and monitor policies.

91. At national level, democratic awareness programmes entitled "President for a day" and "Deputy for a day" have been put into effect with the participation of the highest authorities and have met with a widespread response from children and juveniles.

## D. Women

92. On 10 July 1996, the Coordinating Body of Indigenous Women's Organizations of Guatemala (COMIGUA) held a meeting to set up an American communication network for the protection of their rights. This workshop on indigenous and black women ended on 14 July 1996 with a call for equitable participation in all organizational structures and the appointment of women to

top-level and decision-making posts in the political, economic and cultural spheres. One of the central themes of the workshop was leadership training for women.

93. Present legislation provides for a number of improvements regarding the treatment of women. On 7 March 1996, the Constitutional Court declared articles 232 to 235 of the Penal Code unconstitutional "because they violate the principles of equality of individuals and of marital rights by classifying and penalizing the same conduct (marital infidelity) differently for men and married women". The Procurator-General of the Nation also instituted unconstitutionality proceedings regarding the provisions of the Civil Code whereby a married woman's right to work is subject to the authorization of her husband. No final ruling has yet been given. In another area, the campaign for equality has led to an amendment of article 201 of the Penal Code which made kidnapping a capital offence. This meant that the provision was inapplicable to women because, under the Constitution, they cannot be executed; the penalty is now 25-50 years' imprisonment.

94. The ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women is expected to increase awareness of the question. In this connection, on 24 October 1996, Congress passed a law to prevent, punish and eradicate intra-family violence - not yet in force - as one of the internal measures called for in the Convention, which establishes a reporting procedure whereby the judicial authorities may bar the person committing the violence from the home.

95. The peace negotiation process also allows for intensive participation of women who can present demands and proposals through the Women's Sector of the Civil Society Assembly. The agreements reached contain specific chapters on women's participation as an expression of affirmative action. There are 10 women members of Congress. In addition, Legal Action Coordination, a non-governmental organization, has been working on draft legislation on the development of women in all spheres.

96. It is still very difficult for women to enjoy and exercise economic, social and cultural rights in Guatemala. Employment opportunities for women without training are limited to a few fields such as the in-bond assembly industry, where all labour regulations are generally disregarded and where abuses, including sexual abuse, are commonplace. As regards access to education, the illiteracy rate still remains higher for women than for men.

## VI. CONCLUSIONS AND RECOMMENDATIONS

97. In Guatemala, 1996 ended with the long-awaited signing of the Peace Agreement. The determined impetus given to the peace-negotiating process initiated in January 1994 by the Government and the Guatemalan National Revolutionary Unity Movement under United Nations auspices produced a set of provisions formally ending the armed conflict, and a much larger set of undertakings which lay the basis for a platform of national consensus on the definition of the State and its institutions and incorporate most of the recommendations made in reports to the Commission. The Peace Agreement has raised the hopes of the international community which is assisting in various ways and is working closely with the new heritage of all Guatemalans. It is

hoped that the signing of the Agreement on a Firm and Lasting Peace will provide the basis for the building of peace. Optimism, combined with an awareness of the enormous task ahead, will be necessary in creating an environment in which the people of Guatemala are able, among other things, to exercise their legitimate civil, political, economic, social and cultural rights.

98. With peace comes the great challenge of national integration. In this context, "attention should be paid to the right of Guatemalan society to have the past cleared up. It is a kind of right to the truth which, with acknowledgement and clarification of the facts, rather than refusal to recognize them, will bring back a healthy society to embark on the task of building up a democratic present and future in which the possibility for committing human rights abuses will be reduced to a minimum." These concepts, which were expressed in the Expert's report to the Commission at its fiftieth session, are now even more relevant in the light of the decision by the Government and the URNG to clear up the past. Major efforts are being made in this direction in civil society, as evidenced by the Archbishop of Guatemala's project entitled "Reclaiming the Historical Memory", the work of the Coalition for Truth and the records of the Mayan organizations. Also in this connection, on 3 May 1996, the Department of State of the United States of America handed over to the Guatemalan Government a total of 6,350 classified documents concerning human rights violations which the Attorney-General undertook to investigate.

99. It is therefore a matter of continuing concern that no progress is being made in the judicial investigations of a number of these past acts; that those accused of involvement in the Rio Negro massacre who have been in pre-trial detention for two years have expressed their intention of availing themselves of the amnesty granted by Decree No. 8-86, which is still in effect; and that impunity is still rife in a society in which the Government and URNG have solemnly undertaken to eradicate it. Both parties to the peace process must face the people of Guatemala, so that it is important for them to honour their commitments.

100. The National Reconciliation Act, which came into force on 29 December 1996 with the signing of the Agreement on a Firm and Lasting Peace, leaves it to the courts to determine which acts committed by members of the army and the URNG in the course of the armed conflict will be pardoned. Crimes against humanity are excluded from this. The burden of proof is being turned upside down, since it will be for the victim to demonstrate that the injury suffered was not a reasonable consequence of the conflict. The circumstances allow for no options; there is no room for judicial half-measures. The ability of all those involved, including those concerned with the administration of justice, to reconcile what are the foreseen or reasonably foreseeable consequences of an armed conflict - as defined in common article 3 of the Geneva Conventions of 12 August 1949 on international humanitarian law and Protocol II relating to the Protection of Victims of Non-International Armed Conflicts - with acts which are illegal under Guatemalan domestic law contrary to the law of nations and violations of human rights, is one of the most sensitive and important measures of the effectiveness of the Peace Agreement. The decision by the President of the

Republic to face up to the peace process, the memory of the victims and the future of Guatemala call for justice, without qualification or amplification.

101. Simultaneously with the peace negotiations, a process of gradual accommodation of the civil and military authorities was taking place in the political and institutional sphere. The decisions of former President Ramiro de León Carpio to suspend military conscription and disband the military commissioners were a decisive first step in matching words with deeds. The efforts of the Government of President Arzú to demythify the military commissioners call for legal assistance; the organic law of the army must be amended to abolish the institution of military commissioner and a climate must be fostered in which ex-commissioners are no longer able to exercise their former controls over society. The Government decision to begin demobilizing the PACs or CVDCs before the signing of the Agreement on a Firm and Lasting Peace was also important. This unilateral decision, to enter into effect on 9 August 1996, is not subject to any type of national or international verification, so that special vigilance must be exercised to ensure that it is observed and that the decision not to allow former PAC members to be appointed to Development Committees is upheld.

102. The climate of confidence experienced by the people of Guatemala and the generally held belief that the absence of a government policy which tends to disregard human rights have highlighted the problems involved in the administration of justice in Guatemala. A judicial system lacking the necessary number of judges and magistrates and whose members enter by various means and with widely varying qualifications; a Public Prosecutor's Office office which suffers from the same shortcomings and has yet to define clearly its policy on crime. An undermanned and underfunded defence service; and a legal scene in which rigour tends to be a matter of ritual, where procedures become lost in descriptions of recent data and do not adequately meet the country's international undertakings. All this results in a justice system which is unable to effectively resolve conflicts within society. Within this climate, impunity persists and political decisions are not acted on. This is evidenced by the lynchings in 1996, which were a bitter demonstration of the desperation and complete lack of confidence in the effectiveness of the justice system.

103. This situation must be remedied quickly. It is important and urgent for Guatemala to redefine its justice system. Entry into the judiciary, the Public Prosecutor's Office and the Public Criminal Defence Service must be by open competition; a professional judiciary should be established. The administration of the courts should be the clear responsibility of a Magistrature Council in which academic and professional circles are adequately represented. Legislation should be adopted to clearly define the jurisdiction of the courts, establish judicial rotas, and govern transfers and promotions, in accordance with the Basic Principles on the Independence of the Judiciary. A career structure should also be established for the Office of the Public Prosecutor and the Public Criminal Defence Service. The Public Prosecutor should define his policy on crime so as to effectively serve a society with high rates of violence and establish priorities on the basis of the efforts to be made and the needs to be met.

104. Legislation must be revised by the Legislature so as to strengthen the justice system. It is important to have legislation which will enable Guatemala to honour its human rights obligations. This will involve reclassifying crimes and reviewing penalties. Emphasis should also be placed on the need for broader and more effective access to the justice system, and to ensure that the statements of every accused are understood by the judicial authorities, the prosecution and the defence; i.e., interpreters must be provided. In addition, a prison policy should be defined which enables inmates to become reintegrated into society when they are released and ensures that the professional status, rights and duties of prison staff are clearly understood. The Standard Minimum Rules for the Treatment of Prisoners provide a sound basis for dealing with the anomalies of the prison system.

105. Public insecurity, which is at present widespread in Guatemala, could be reduced, in the first instance, through an effective justice system. This will also call for a genuinely professional civil police force. The decisions adopted in the Peace Agreements were to establish a single police force accountable to the Ministry of the Interior, and the disbanding of the Mobile Military Police and the Financial Police, as repeatedly recommended in reports to the Commission. It is important for these changes to be implemented as a matter of urgency. Peace should provide security for the population.

106. Clearly the parties to the peace negotiation process decided to consider jointly the strengthening of the civil authorities and the role of the army in a democratic society. It is therefore very important for the demobilizations now taking place to be accompanied by a strengthening of local authorities. The State's undertaking entails providing the population with judges, prosecutors, defence attorneys, police, teachers and doctors. The gaps left in various areas by the removal of military institutions must be filled quickly and effectively by the appropriate authorities. In this respect, the institution of Human Rights Procurator takes on added importance, hence the decision by the parties to the agreements to support and strengthen it.

107. The guarantees of justice and security which the country intends to provide must be accompanied by respect for economic, social and cultural rights. The prevailing procedures and mechanisms for amending such rights must be observed. Progress must be measured in terms of reduced levels of illiteracy, infant mortality and poverty. Guatemala has undertaken to adopt the necessary measures to ensure increasing enjoyment and exercise of the rights guaranteed in the International Covenant on Economic, Social and Cultural Rights. This means not only summoning the necessary resources, including international cooperation, but also avoiding the adoption of regressive measures which are by definition incompatible with the Covenant.

108. Land-related questions call for sound, calm decision-making by all parties involved, so as to arrive at an equitable solution of the serious historical problems of a people whose world view has land as one of its essential elements. The carrying out of a land survey, as provided for in the peace agreements, and the establishment of a land register should be accompanied by basic guidelines for settling disputes without taking them to court. The lack of certainty regarding land ownership is a sensitive matter, as recognized by President Arzú; it not only limits the options available to the Government regarding the measures necessary for the country's economic

take-off, but also exacerbates social problems. This is a matter of particular urgency in societies such as Guatemala's which is facing the task of national integration. It is thus important to avoid irreparable damage, in land-related, as in other, matters. It is also imperative to find prompt solutions to land problems in returnee communities. Such problems not only create tensions, but also hinder production.

109. The signed peace agenda is an agenda for democracy, respect for human rights, development and national integration. The multi-ethnic, multicultural and multilingual characteristics of the Guatemalan nation mean that the integration proposal announced by the President on taking office must be translated into concrete daily acts. By its very nature, this process calls for dialogue, mutual respect and the fostering of a culture of respect for the diversity, all of which must form part of the process of national construction.

110. The international community has an obligation to assist Guatemala in this endeavour at both bilateral and multilateral levels. The Commission on Human Rights has been considering the situation of human rights in Guatemala since its thirty-fifth session, in 1979. The alternatives for the country's development and their effects on human rights, as well as the future of the peace process, have determined the nature of this consideration.

111. The Peace Agreement signed in Guatemala not only puts an end to the armed conflict, but provides an agenda for national consensus within a democracy. This agenda includes most of the recommendations made in reports submitted to the Commission, thus demonstrating the relevance of the work done over the years. In 1997, these undertakings should begin to take effect. Major decisions must also continue to be taken in order to remedy the shortcomings identified in this report, of which the Government is well aware. The situation is such that the Commission on Human Rights cannot afford to relax its vigilance over the process now under way in Guatemala. The Commission must keep the human rights situation in Guatemala under review so as to be able to provide the necessary assistance to the Government and people in the difficult task of overcoming the major obstacles to the full exercise of human rights. Finally, in response to the decision by the parties to the peace process to ask for international verification, the Commission should, as in the past, extend the necessary cooperation.

112. In this connection, the Independent Expert feels compelled to recommend the early appointment of a new representative of the Office of the High Commissioner for Human Rights/Centre for Human Rights to the institutions provided for in the agreements of 8 October 1992 for the return of refugees. The lack of such a representative since May 1996 has meant that those bodies have been operating only with the participation of their other members, the Office of the Human Rights Procurator and the Episcopal Conference. Those institutions have repeatedly expressed the need for the United Nations to assume the role provided for in the agreements.

## Annex

### PROGRAMME OF WORK OF THE EXPERT DURING HER FOURTH VISIT TO GUATEMALA

| Date | Places visited and persons interviewed |
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| | Guatemala City |
| 13.11.96 | Mr. Lars Franklin, Resident Coordinator of the United Nations System;<br>Mr. David Stephen, Director of MINUGUA; Mr. Carlos Boggio, UNHCR Head of Mission;<br>Mr. Gerald Plantegenest, Deputy Director of MINUGUA, and<br>Mr. Hugo Lorenzo, Human Rights Officer, MINUGUA. |
| 14.11.96 | Mr. Eduardo Stein, Minister for Foreign Affairs;<br>Ms. Marta Altolaguirre, Chairman of the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH);<br>Mr. Rodolfo Mendoza, Ministry of the Interior; Mr. Salvador Gándara, Deputy Minister of the Interior; Mr. Angel Conte Cojulun, Director of the National Police;<br>Mr. Jorge Mario García Laguardia, Human Rights Procurator; Group of professionals from the Office of the Human Rights Procurator;<br>Mr. Gustavo Meoño, Director of the Rigoberta Menchú Foundation. |
| 15.11.96 | Mr. Luis Felipe Sáenz, President of the Constitutional Court;<br>Major-General Julio Balconi Turcios, Minister of Defence;<br>Mgr. Próspero Penados del Barrio, Archbishop of Guatemala;<br>Mr. Ronalth Ochaeta, Director of the Archdiocese Office of Human Rights;<br>Grupo Alianza contra la Impunidad;<br>Mr. Lorenzo Sánchez, Chargé d'affaires a.i. of the European Union. |
| 16.11.96 | Visit to Rabinal (Baja Verapaz) and Tuilhá estate, Cahabón (Alta Verapaz) accompanied by Mr. Miguel de la Lama, Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights; Mr. Carlos Boggio and Mr. Roberto Mignona, UNHCR; Goran Fejic and Ramiro Avila, MINUGUA;<br>Working meeting with MINUGUA officials in Guatemala City. |
| 17.11.96 | Visit to Cantabal, San Isidro estate (Primavera Cooperative) and Cuarto Pueblo (Ixcán, Quiché) accompanied by Mr. Jorge Mario García Laguardia and Mr. Benjamín Cordero, Office of the Human Rights Procurator; Mr. Carlos Boggio, Sabina Warda, UNHCR; Liza Margarrell and Gonzalo Elizondo, MINUGUA; Mr. Miguel de la Lama, Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights. |

18.11.96 Guatemala City

Mr. Ramiro de Léon Carpio, former President of the Republic;
Mr. Héctor Hugo Pérez Aguilera, Attorney-General of the Republic and Head of the Office of the Public Prosecutor;
Mr. Jafeth Cabrera, Chancellor of the University of San Carlos de Guatemala;
Mr. Alvaro Colón, Executive Director of the National Fund for Peace (FONAPAZ);
Representatives of the Group of Countries Friends of the Peace Process (Colombia, Mexico, Norway, Spain, United States of America and Venezuela);
Mrs. Lilian Rivera, Guatemalan Association of Relatives of Detained/Disappeared Persons (FAMDEGUA);
Mr. Mario Polanco, Mrs. Emilia Garcia and Mr. Miguel Morales of the Mutual Support Group (GAM);
Miss Christine Whittle, International Peace Brigades.

19.11.96 Mr. Ricardo Umaña Aragón, President of the Supreme Court and of the Judiciary;
Mr. Marco Tulio Sosa, Minister for Public Health and Social Welfare;
Mr. Ricardo Stein, Adviser to the Office of the President of the Republic;
Mgr. Jorge Mario Avila, President of the Episcopal Conference;
Mgr. Mario Ríos, Chairman of the Mediation Agency; Verification Agency; Mediation Agency and GRICAR.

20.11.96 Mr. Carlos García Regás, President of the Congress of the República;
Mr. Arnoldo Ortíz Moscoso, Minister of Labour and Social Affairs;
Mr. Gustavo Porras Castejón, Coordinator of the Commission for Peace (COPAZ);
Mr. Donald Planty, Ambassador of the United States of America;
Mr. Conrado Martínez, Human Rights Commission of Guatemala;
Mrs. Rosalina Tuyuc, Guatemalan Widows' National Coordinating Committee (CONAVIGUA);
Mrs. Rosario Pu and Mr. Daniel Pascual, Peasant Unity Committee (CUC);
Mr. José Pinzón, Secretary-General of the General Confederation of Guatemalan Workers (CGTG); Representatives of United Trade Union Action (UASP); Guatemala Workers' Union (UNSITRAGUA), National Civil Servants' Federation (FENASEP), National Electrification Institute Workers' Union (STINDE) and the Trade Union Federation of Guatemala (CUSG); National Indigenous Peasant Coordinating Committee (CONIC).

21.11.96 Mr. Félix Castillo Milla, President of the Supreme Electoral Court;
Mr. Patrick Zahnd, Regional Representative of the International Committee of the Red Cross;
Working meeting with UNHCR officials;

Mr. Luis Gándara, Executive Director of the National Committee for Aid to Refugees, Returnees and Displaced Persons (CEAR);
Mrs. Lesbia de Balán, Association of Guatemalan Lawyers;
Executive Committees of the Guatemalan Association of Journalists (APG), the Guatemalan Chamber of Journalism (CGP) and the National Press Club (CNP);
Executive Committee of the Workers' Union of the Santo Tomás de Castilla, Izabal, Port Authority;
Executive Committees of the Federation of Mayan Organizations, the Consejo de Pueblos Mayas, the Academia de los Pueblos Mayas, Centro de Estudio de Cultura Maya, the Mayan Permanent Assembly, Movimiento de Resistencia Maya and Defensoría Maya;
Mr. Frank La Rue, Centre for Legal Action on Human Rights (CALDH).

22.11.96 Mr. Staffan Wrigstad, Ambassador of Sweden to Guatemala;
Guatemalan Standing Committees for Displaced Persons (CONDEG);
Mr. Oswaldo Enríquez Contreras;
Representatives of the CPRs of Petén, Ixcan and la Sierra;
Mr. José Villatoro Contreras, National Association of Guatemalan Retirees and Pensioners;
Mr. Factor Méndez, Human Rights Research, Study and Development Group (CIEPRODH);
Executive Committee of the Runujel Junam Ethnic Committees Council (CERJ);
Reverend Vitalino Similox and Mrs. Margarita Valiente, Kaqchikel Presbytery;
Ms. Claudia Méndez, Crónica.

23.11.96 Visits to the El Tablero estate, El Tumbador, San Marcos and the Chaculá estate, Huehuetenango, accompanied by Mr. Miguel de la Lama, Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights; Mr. Juan Carlos Murillo, UNHCR; Mr. Benjamín Cordero, Office of the Human Rights Procurator; Nélida Augier, Ken Ward and John Bevan, MINUGUA.

24.11.96 Visit to Flores, Petén CPR, La Quetzal estate, El Petén, accompanied by Mr. Luis Sztorch and Miss Paula Worby, UNHCR; Rodrigo Arce and Javier Mena, MINUGUA, and Mr. Miguel de la Lama, Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights.

25.11.96 Guatemala City
Mr. Daniel Livermore, Ambassador of Canada to Guatemala;
Office of the Procurator General;
Executive Board of the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF);
Representatives of the Civil Society Assembly (ASC);
Mrs. Helen Mack, Myrna Mack Foundation;
Mr. Marco Tulio Pacheco;
Mr. Mario René Cifuentes;
Women's Organizations Sector of ASC;

Mr. Héctor Bardales, People's Association for the Defence of Human Rights of Quetzaltenango;
Mr. Félix Córdova Moyano, Ambassador of Argentina to Guatemala.

26.11.96 Mr. Alvaro Arzú Irigoyen, President of the Republic;
Indigenous Affairs Commission of the Congress of the Republic;
Human Rights Commission of the Congress of the Republic;
Ms. Arabella Castro Quiñonez, Minister of Education;
Mr. Emilio Godoy, Prensa Libre;
Working meeting with representatives of agencies of the United Nations system in Guatemala;
Representatives of the Group of Countries Friends of the Peace Process (Colombia, Mexico, Norway, Spain, United States of America and Venezuela);
Representatives of the Coalition for Truth, National Human Rights Coordinating Committee of Guatemala, Assembly of Uprooted Peoples, Human, Legal and Workers' Rights Services Centre and Institute of Combined Studies in Criminal Science.

27.11.96 Press Conference in the VIP lounge of La Aurora airport.
Departure from Guatemala.

Mexico City
Meeting with Mr. Michel Gabaudan, UNHCR Regional Representative.

28.11.96 Meeting with the commanders of URNG.
Meeting with Mr. Bruno Guandalini, Resident Representative of the United Nations Development Programme.

29.11.96 New York: Meeting with Mr. Alvaro de Soto.

6/13.12.96 Geneva
Meeting with Mr. José Ayala Lasso, United Nations High Commissioner for Human Rights, and members of his Office.
Drafting of the report.

29.12.96 Arrival in Guatemala City.
Luncheon given by the President of the Republic.
Signing of the Agreement on a Firm and Lasting Peace.

30.12.96 Departure from Guatemala City.

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